



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Mr. Timothy Rosewarne
Black Bear Lodge
PO BOX 357
Waterville Valley, New Hampshire 03215

LETTER OF DEFICIENCY
WMB PBF 05-02
January 4, 2005

Dear Mr. Rosewarne:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On December 28, 2004 DES inspected the following public bathing facilities at the Black Bear Lodge in Waterville Valley, NH: the indoor/outdoor pool ("Pool") and outdoor spa ("Spa").

During this inspection, the following deficiencies were noted:

1. Pursuant to Env-Ws 1103.16(h), spa water temperature shall not exceed 104°F. The temperature of the Spa water was 106°F on December 28, 2004.
2. Pursuant to Env-Ws 1103.15(a), disinfection of pool water shall be achieved by positive displacement pump type unit providing hypochlorination or by an erosion unit using either hypo-chlorite or bromine tablets with control of the erosion rate. The Pool is currently being disinfected by hand feeding.
3. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a working flow meter.
4. Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Spa did not include a flow meter.
5. Pursuant to Env-Ws 1105.01(k)(10), public swimming pools shall not be operated if an outlet grate is missing, broken or secured in such a way that it can be removed without the use of tools. One of the outlet grates /main drain covers for the Pool was missing.

DES believes the cited deficiencies can be corrected within 30 calendar days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

1. A copy of two weeks of water quality test results for all facilities (please do not send originals).
2. The type, manufacture, and model of the chlorine feeder to be installed or description of repairs.
3. The type, manufacture, and model of the flow meter to be installed.
4. A timetable of when:
 - a. the installation/repair of the chlorine feeder will be completed; and
 - b. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095

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DES Web site: www.des.nh.gov

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We appreciate your cooperation in this matter. Please contact Tim Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

Jody Connor
Linnology Center Director

Certified Mail # 7000 1670 0000 0587 7460

Enclosures

cc: Gretchen R. Hamel, Legal Unit Administrator, DES
Tim Wilson, Public Bathing Facility Coordinator, DES
Alfred Burbank, Health Officer, Town of Waterville Valley

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